**Docket Number** 

PH-7148

## **CERTIFICATE OF MAILING**

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James Epperson

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF Priestley

**APPLICATION NO: 10/039,317** 

**EXAMINER: Maury Audet** 

FILED: 10/23/2001

**ART UNIT: 1654** 

FOR: Peptide Inhibitors of Hepatitis C Virus NS3 Protease

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

## Provisional election and request for reconsideration under 37 CFR 1.143

We received the Office Action related to application 10/039,317 dated October 3, 2003 and setting a one month shortened statutory response period ending November 3, 2003. In response to this Office Action, the applicants submit the following remarks and respectfully request reconsideration of the restriction requirement.

USSN 10/015,328 PH-7203

Restriction requirement under 35 USC 121

The examiner required restriction between compound and composition claims 1-13 (group I) and method

of use claims 14-15 (group II).

In response to the examiner's restriction requirement, the applicants provisionally elect group I with

traverse. As the method of use claims are drawn specifically from the compound claims, any search for one

set of claims is, or is nearly, coextensive with the other. It would not be a serious burden for the examiner to

note methods of use in any search for compounds or compositions. And any search for methods of use would

necessarily have to search the scope of compounds claimed. Either way, there is little that causes a serious

burden for the examiner.

In response to the examiner's requirement to elect a species, the applicants provisionally elect the

compound of example 34: (2-pyrazinecarbonyl)-Val-Val-Hyp(OBzl)-(1R)-1-amino-3-(4-

trifluoromethyl)phenylpropylboronic acid (+)-pinanediol ester.

The applicants respectfully request reconsideration of the restriction requirement under 37 CFR 1.143.

If any issues remain regarding the election of inventions, the examiner is respectfully invited to contact

the applicants' agent, James Epperson, by phone (203-677-6974), fax (203-677-6900), or e-mail

(james.epperson@bms.com).

Respectfully yours,

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Agent for Applicants

Date: 10/22/2003

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